

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

AMERICAN PATENTS LLC,

Plaintiff,

v.

TP-LINK TECHNOLOGIES CO., LTD.,

Defendant.

CIVIL ACTION NO. 4:19-cv-765-ALM

**JURY TRIAL DEMANDED**

**JOINT MOTION TO SUBSTITUTE AND TO DISMISS  
A CERTAIN DEFENDANT WITHOUT PREJUDICE**

WHEREAS defendant TP-Link Technologies Co., Ltd. denies that it is subject to personal jurisdiction in the Eastern District of Texas and has filed motions to quash service and dismiss all claims for lack of personal jurisdiction; and

WHEREAS to resolve the present dispute regarding service of process and personal jurisdiction for the limited purpose of this case, and moot the pending motions to quash and dismiss for lack of personal jurisdiction, in consideration of the mutual agreements between the parties, the parties agree as follows:

WHEREAS defendant TP-Link Technologies Co., Ltd. represents and warrants to plaintiff American Patents LLC (“American Patents”) as follows:

1. TP-Link USA Corporation has been involved in importing, selling, and offering for sale of the accused products.
2. TP-Link USA Corporation can satisfy any adverse judgment in this action.
3. TP-Link USA Corporation agrees that, for the limited purpose of this case, in return for the mutual promises of the parties herein, any documents or things that may be relevant to this action and that are in the possession, custody, or control of TP-Link Technologies

Co., Ltd. will be deemed to also be in the possession, custody, or control of TP-Link USA Corporation.

4. TP-Link USA Corporation agrees that it will not contest any allegation or judgment of liability or damages on the basis that the proper TP-Link entity that offers or provides the accused products is not named as a party to the lawsuit.

5. TP-Link USA Corporation agrees that, for this case only, it will not assert that venue in the Eastern District of Texas is improper under Section 1400(b).

6. American Patents, TP-Link Technologies Co., Ltd., and TP-Link USA Corporation agree that any reference in the Original Complaint and the First Amended Complaint to “TP-Link” or “Defendant” shall mean TP-Link USA Corporation.

7. TP-Link Technologies Co., Ltd. will not file a declaratory judgment action against American Patents relating to the patents-in-suit as long as American Patents does not seek to reinstate any claims against them relating to the patents-in-suit.

NOW THEREFORE, TP-Link Technologies Co., Ltd. and American Patents jointly move (1) that TP-Link USA Corporation be substituted for TP-Link Technologies Co., Ltd., (2) that TP-Link Technologies Co., Ltd. be dismissed without prejudice from this action, with all parties bearing their own costs and fees, (3) that TP-Link Technologies Co., Ltd.’s pending motions to quash and to dismiss for lack of personal jurisdiction be deemed withdrawn and moot, and (4) that TP-Link USA Corporation be given 14 days from entry of the order granting substitution to file an answer to the First Amended Complaint.

Dated: April 22, 2020

Respectfully submitted,

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Dated: April 22, 2020

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*Attorneys for TP-Link Technologies Co., Ltd. and  
TP-Link USA Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of April 2020, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Zachariah S. Harrington  
Zachariah S. Harrington